

California Regional Water Quality Control Board
Santa Ana Region

August 26, 2005

STAFF REPORT

ITEM: 9

SUBJECT: Appeal for an Exemption from the 30 Percent Maximum Slope Requirement for the Use of a Subsurface Disposal System – Andy Bodewin, Harwarden Development, LLC, Lot 6, Tract No. 29628, Riverside, Riverside County, APN 556-310-005

DISCUSSION:

On July 15, 2005, Andy Bodewin, Harwarden Development, LLC, submitted a request to construct a 35-lot subdivision for single-family homes on a 72-acre parcel utilizing on-site septic tank-subsurface disposal systems in the Riverside area of Riverside County. The owner of the parcel proposes to construct 5-6 bedroom homes utilizing individual 2,250-gallon septic systems on each lot. There is no sewer available that could service these lots.

Upon review of the soils percolation report (Earth Technics report dated November 9, 1999 and revised March 17, 2005) for the project, Riverside County Environmental Health determined that Lot 6 of Tract No. 29628 has a slope in the disposal area that is approximately 35 percent. This slope meets Riverside County Department of Environmental Health guidelines; however, it does not comply with the Board's guidelines.

In 1979, the Regional Board adopted "*Guidelines for Sewage Disposal from Land Developments.*" These guidelines established minimum criteria for the use of individual disposal systems to prevent pollution or nuisance from discharges to leaching or percolation systems. These guidelines stipulate, in part, "*Natural or finished ground slope in the disposal area shall not be greater than 30 percent.*" When slopes in the disposal area are greater than 30 percent, the probability of sanitary wastes surfacing is typically much greater, thereby creating a threat of nuisance, pollution, and public health hazard.

At the time they were adopted, the Board's "*Guidelines*" were consistent with those implemented by Riverside and San Bernardino County Health Department. However, both Counties have since updated their requirements in several areas. Both health departments now allow the installation of septic systems in areas of up to 45 percent slope, provided certain conditions are met (e.g., the greater the slope, the deeper the leach lines must be installed).

Mr. Bodewin is unable to find a location on the Lot 6 property for the disposal system with less than 35 percent slope. Therefore, he is appealing to the Board for an exemption to place the proposed system in an area between 30 and 45 percent slope (35 percent slope).

RECOMMENDATION:

Approve Mr. Bodewin's request for an exemption for the use of an individual sewage disposal system on Lot 6 of Tract No. 29628, provided that the property owner(s) obtain approval for the subsurface disposal system from Riverside County Environmental Health.

Comments were solicited from the following agencies

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
Riverside County Department of Environmental Health – Sam Martinez/Greg Dellenbach
Riverside County Department of Building and Safety – Steve Dondalski